

## EEOC Hit With \$4.7 Million In Attorneys' Fees And Costs

August 9, 2013 | [EEOC, Labor And Employment](#)

On Aug. 1, the U.S. Equal Employment Opportunity Commission (EEOC) was ordered to pay \$4.7 million in attorneys' fees and costs in the litigation it brought against CRST Van Expedited (CRST) in 2007. In that litigation, the EEOC alleged that female workers had been sexually harassed by male employees and trainers.

CRST challenged the sweeping sexual harassment claims brought by the EEOC and U.S. District Court Judge Linda R. Readle agreed, describing the EEOC's tactics in identifying the class of female workers as a "moving target." Although the EEOC won on a single claim (despite, at one point, seeking relief for nearly 270 females), the court found the EEOC's arguments "discerning" to believe that the EEOC somehow was the "prevailing party" for purposes of an award of attorneys' fees and costs. Instead, the U.S. District Court described the EEOC's results in the litigation "truly absurd."

Judge Readle then examined whether CRST was considered the "prevailing party" and held that the company was on both the EEOC's pattern-and-practice claim as well as on the 153 individual claims. Following the determination of CRST as the "prevailing party," the U.S. District Court considered whether the EEOC's claims were frivolous, unreasonable or groundless. In her opinion, Judge Readle issued a scolding statement finding, "the EEOC's actions in pursuing this lawsuit were unreasonable, contrary to the procedure outlined by Title VII and imposed an unnecessary burden upon CRST and the court." Finally, in a footnote, the court found that the EEOC appeared to have conceded to CRST's arguments that the government agency failed to investigate or attempt to conciliate claims other than two and, as a result, those claims were unreasonable.

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